

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**August 24, 1999**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF ONEPOINT COMMUNICATIONS-</b>	)	<b>DOCKET NO. 99-00342</b>
<b>GEORGIA, LLC d/b/a ONEPOINT</b>	)	
<b>COMMUNICATIONS FOR APPROVAL OF AN</b>	)	
<b>INTRALATA TOLL DIALING PARITY PLAN</b>	)	

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**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY  
IMPLEMENTATION PLAN**

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This matter came before the Tennessee Regulatory Authority (the "Authority") on July 13, 1999, at a regularly scheduled Authority Conference, to consider the Petition of OnePoint Communications-Georgia, LLC d/b/a OnePoint Communications ("OnePoint") for approval of an IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.<sup>1</sup> Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for

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<sup>1</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

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exemption, suspension or modification of the dialing parity requirements.

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.<sup>2</sup> On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.<sup>3</sup>

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

OnePoint is certified to operate pursuant to Rule 1220-4-2-.57 as a reseller of telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, OnePoint is required to file a plan with the Authority that provides for implementing intraLATA toll dialing

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<sup>2</sup> FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

<sup>3</sup> AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

parity in the exchanges in Tennessee where service is provided.<sup>4</sup> This plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.<sup>5</sup>

OnePoint Communications-Georgia, LLC d/b/a OnePoint Communications filed an intraLATA toll dialing parity plan on May 10, 1999 and a final amendment on June 24, 1999. The amended Plan, attached hereto as Exhibits A, is fully incorporated herein by this reference. One point plans to commence offering local exchange service in Tennessee sometime in the latter half of 1999.

The Directors considered this plan at the July 13, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.<sup>6</sup> The Plan provides for a method that enables customers to select alternate providers of telephone toll service; and a method that allows customers to choose different carriers for interLATA and intraLATA service. OnePoint proposes to gather data to develop a cost recovery rate. The Directors unanimously voted to approve the OnePoint's intraLATA toll dialing parity plans as amended, with the requirement that the petitioner comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access. Further, the Directors ordered OnePoint to file an incremental cost recovery plan with the Authority for approval sixty (60) days prior to

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<sup>4</sup> Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

<sup>5</sup> Pre-subscription allows the customer to place a call without dialing an access code.

<sup>6</sup> FCC Order 96-333, released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

implementing a cost recovery method.

**IT IS THEREFORE ORDERED THAT:**

1. The amended Plan of OnePoint Communications Georgia, LLC d/b/a OnePoint Communications for IntraLATA Toll Dialing Parity Implementation, a copy of which are attached as Exhibit A, is hereby approved and incorporated in this Order as if fully rewritten herein;

2. OnePoint Communications shall file an incremental cost recovery plan with this Authority for approval sixty (60) days prior to implementing a cost recovery method;

3. OnePoint Communications shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and


4. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.

  
Melvin J. Malone, Chairman

  
H. Lynn Green, Jr., Director

  
Sara Kyle, Director

ATTEST:

  
K. David Waddell, Executive Secretary



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REGULATORY AUTH.  
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June 23, 1999

Mr. David Waddell, Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243

Dear Mr. Waddell:

Enclosed for filing are the original and thirteen copies of the latest revisions to the amended Intralata Toll Dialing Parity Plan of OnePoint Communications-Georgia, L.L.C. d/b/a OnePoint Communications ("OnePoint").

Please date-stamp a copy of the filing letter and return the copy to me in the enclosed, postage-paid envelope. An extra copy has been provided for this purpose. Please refer any questions regarding this filing to me at (847) 374-3734.

Sincerely,

A handwritten signature in black ink that reads "Richard P. Kolb".

Richard P. Kolb  
Director-Regulatory Affairs

Enclosures

## INTRALATA TOLL DIALING PARITY PLAN

### ONEPOINT COMMUNICATIONS

May 7, 1999  
(Amended)

#### 1. Purpose

The intent of this plan is to provide a proposal that, upon implementation, would provide customers the ability to select the telecommunications carrier of their choice for routing their intraLATA toll calls.

#### 2. Implementation Schedule

OnePoint Communications will offer dialing parity for intraLATA toll, contingent on underlying provider provisioning while in a reseller mode, in all the exchanges and LATAs where OnePoint operates coincident with initial operational start up (est. November 1, 1999).

#### 3. Carrier Selection Procedures

OnePoint Communications will, contingent on underlying RBOC (Regional Bell Operating Company) provisioning while in a reseller mode, implement the full 2-PIC (Primary Interexchange Carrier) carrier selection methodology. With the full 2-PIC methodology, customers will be able to presubscribe to one telecommunications carrier for interLATA toll calls and presubscribe to the same or a different participating telecommunications carrier, including their existing local exchange company, for all intraLATA toll calls. Orders for changes will be accepted and processed beginning with the commencement of business operations.

OnePoint employees, or its agents, who communicate with the public, accept customer orders, and serve in customer service capacities will be trained to explain the process to customers for making PIC changes for intraLATA toll calls. Customer Care Center personnel will be prepared to make changes in customer records based upon requests from customers or carriers and direct customers to their chosen intraLATA carriers in accordance with FCC and state commission rules and regulations. Processes will be in place to provide new customers with an opportunity to choose their intraLATA toll carrier from a list of available carriers. OnePoint Customer Care Center personnel and other OnePoint employees and agents will respond to inquiries about intraLATA carriers in a competitively neutral fashion. OnePoint employees and agents will not discuss alternative carrier rates or service and will not provide customers with carrier identification codes or access code dialing instructions.

Customers who contact OnePoint requesting new telephone exchange service will be provided a list of telecommunications carriers available to provide interLATA service. Customers will be provided a second list of carriers, including OnePoint, that provide intraLATA toll service in their exchange. The list of intraLATA toll carriers will be presented in a competitively neutral manner. Customers who do not make a positive choice for an intraLATA carrier will be identified within OnePoint's, or the underlying carrier's, system as "no-PIC" and will not be automatically defaulted to a carrier. Customers identified as "no-PIC" will be required to dial 10XXX to place intraLATA toll calls until they make an affirmative choice for an intraLATA toll carrier. OnePoint will refrain from automatically assigning intraLATA service for new customers to itself or to the customer's preferred interLATA carrier.

Customers will be assessed a PIC change charge per OnePoint's tariff for changing their intraLATA carrier. When customers request a change in their interLATA and intraLATA carriers during one contact with the Customer Care Center and choose the same carrier for both jurisdictions, only one charge will be assessed. When customers request a change in their interLATA and intraLATA carriers during one contact with the Customer Care Center and choose different carriers for each jurisdiction, two charges will be assessed.

#### 4. Customer Education/Notification

Customers will receive information explaining their opportunity to select an intraLATA carrier. OnePoint anticipates that promotional strategies by carriers will contribute to customer awareness of intraLATA toll dialing parity. OnePoint will request that directory providers update their directories as new editions are published to reflect the opportunity for customers to choose an intraLATA toll carrier.

#### 5. Carrier Notification

Current interexchange carriers will be notified of OnePoint's intraLATA toll dialing parity implementation via letter reasonably in advance of the proposed implementation date. Carriers should provide a list of exchanges in which they plan to offer intraLATA toll service at least 60 days in advance of OnePoint's implementation date. OnePoint needs notification in advance to include the carrier on the list of participating carriers in each OnePoint exchange. Certified carriers who enter the market after implementation will be added to the list of participating carriers within 60 days of notifying OnePoint.

OnePoint will, upon request, provide subscriber listing information to carriers in "readily accessible" tape or electronic formats in a timely manner as requested through the processes that currently exists for the interLATA market. The process includes subscriber listing updates to carriers for new customers who choose that carrier or for existing customers of a carrier who revise their subscriber listing information. In addition, carriers can obtain complete subscriber listings in several formats in compliance with FCC Order No. 96-333, paragraph 389. All such information will be provided at cost to the requestor.

OnePoint will comply, contingent upon underlying provider cooperation while in a resale mode, with Part 51 of Title 47 of the CFR, Sections 305, 307, 325, 327, 329, 331, 333 and 335 in providing the required information and notice to the public of network changes. The notice will include network information as outlined in Section 327. The notice will be provided within the timeframes described in Sections 331-333.

#### 6. Access to Operator Services and Directory Assistance

Access to Operator Services and Directory Assistance will be available through OnePoint's underlying local exchange or interLATA carrier. No industry standard has been established for access to Operator services and Directory Assistance unique to the intraLATA carrier. For Operator Services, customers dial "0" to reach their local exchange operator and "00" to reach their interLATA operator. For Directory Assistance, customers dial "411" for accessing the local exchange Directory Assistance and "1-NPA-555-1212" for accessing their interLATA carrier's Directory Assistance.

Local and interLATA Operator Services and Directory Assistance may be branded by the underlying providers of local and interLATA service, as appropriate, based on the dialing pattern of the end user. Since no unique intraLATA dialing patterns currently exists in the industry, neither OnePoint, nor its underlying provider, is capable of identifying intraLATA calls to local or interLATA operators or directory assistance representatives.

#### 7. Cost Recovery

Section 51.215 of Title 47 of the CFR, states that "a LEC may recover the incremental costs related to the implementation of toll dialing parity. OnePoint will file a cost recovery plan, including cost information and other necessary supporting documentation, not later than 270 days after intraLATA presubscription implementation to include a proposed recovery period and an annual true up procedure.